UNITED STATES DISTRICT COURT
NORTHERN DISTRICT COURT OF NEW YORK

JOHN GORMAN,

Plaintiff,

CIVIL COMPLAINT

-against-

Civil Case No.: 1:14-cv-434

RENSSELAER COUNTY, SHERRIFF JACK MAHAR, ANTHONY PATRICELLI, UNDERSHERRIF PATRICK RUSSO, COUNTY HUMAN RESOURCES MANAGER TOM HENDRY, COUNTY EXECUTIVE KATHLEEN JIMINO, DR. WILLIAM MCINTYRE, PUBLIC SAFETY PSYCHOLOGY PLLC.

Defendants.

JURY TRIAL DEMANDED

PRELIMINARY STATEMENT

1. Plaintiff John Gorman, by and through his attorney, the Law Office of Patrick Sorsby, PLLC, as and for his complaint herein states and alleges as follows:

INTRODUCTION

2. Plaintiff, John Gorman, is currently employed by the Rensselaer County Sheriff's Office. Plaintiff held the rank of provisional Sergeant in the Rensselaer County's Sherriff Department ("Department"). He seeks redress against his employer, the County of Rensselaer, Rensselaer County Sherriff Jack Maher, Under Sheriff Pat Russo, Master

Sergeant Patricelli, County Director of Human Resource Department Tom Hendry, County Executive Kathleen Jimino, and Dr. William F. Mcintyre in their individual capacities, for violating his rights under 42 U.S.C §1983, the First Amendment of the United States Constitution, the Due Process Clause and equal protection clauses of the Fourteenth Amendment, and New York State Civil Service Law§ 75-b prohibiting retaliation against public employees, and for negligent misrepresentation the facts.

JURISDICTION

3. This Court has jurisdiction over this matter under the provisions of 28 USC §§ 1331, 1341, & 1343 because it is filed to obtain compensatory and punitive damages for the deprivation, under color of state law, of the rights of citizens of the United States secured by the Constitution and federal law pursuant to 42 USC § 1983.

4. This Court has supplemental jurisdiction over claims relating to the violation of state law under the provisions of28 U.S.C. § 1367. A timely Notice of Claim was served on Rensselaer County pursuant to N.Y. Gen. Mun. Law § 50-e. Defendant Rensselaer County subsequently held a Gen. Mun, Law § 50-h hearing. As more than thirty days have passed since this hearing, and no resolution with Rensselaer County having been reached, the Plaintiff is entitled to file this action.

5. Venue is proper under 28 U.S.C. § 1391 (e)(2) because the events giving rise to Plaintiffs claims occurred in this judicial district.

VENUE

6. This action properly lies in the Northern District of New York, pursuant to 28 U.S.C. § 1391 (e)(2), because the claim arose in this judicial district.

PARTIES

7. Plaintiff, John Gorman, (herein after "Plaintiff' or "Plaintiff Gorman" interchangeably) is a citizen and resident of the United States, and currently resides in the County of Rensselaer.

8. Defendant Jack Mahar (herein after "Mahar") was and remains the duly elected Sheriff of the County of Rensselaer, with his principal place of business being 4000 Main Street, Troy, NY. Claims in this action are asserted against Mahar in his individual capacity.

9. Defendant Patrick A. Russo (herein after "Russo") was and remains the Under Sheriff of the County of Rensselaer, with his personal residence at 52 Defreest Avenue Troy, NY and with principal place of business being 4000 Main Street, Troy, NY. Claims in this action are asserted against Russo in his individual capacity.

10. Defendant Anthony Patricelli (herein after "Patricelli") was and remains the duly appointed Master Sergeant of the Rensselaer County Sheriffs Department, with his personal residence at 1400 5th Avenue Troy, NY and with his principal place of business being 4000 Main Street, Troy, NY. Claims in this action are asserted against Patricelli in his individual capacity.

11. Defendant Tom Hendry (herein after "Hendry") was and remains County of Rensselaer Human Resources Director, with his principal place of business being Ned Pattison Government Center 1600 Seventh Avenue, Troy, NY. Claims in this action are asserted against Hendry in his individual capacity.

12. Defendant Kathleen Jimino was and remains County Executive Legislator of Rensselaer, with her principal place of business being Ned Pattison Government Center 1600 Seventh Avenue, Troy, NY. Claims in this action are asserted against Kathleen Jimino (herein after "Jimino" in her individual capacity.

13. Defendant Dr. William Mcintyre (herein after "Mcintyre") was and remains Psychologist with PSP (Public Safety Psychology), with his principal place of business being 756 Madison Avenue Albany, All Claims in this action are asserted against Mcintyre in his individual capacity and against Public Safety Psychology PLLC as his employer and/or as his DBA.

FACTS

14. The Plaintiff began his employment with Rensselaer county Sheriffs Department in July of 2008.

15. The plaintiff remains employed with the department however he is out on medical leave because hostile work environment created and maintained by the defendants has made it impossible for him to return.

16. From 2008 until October 2012 Plaintiff Gorman had an impeccable work record with numerous performance awards.

17. By October of 2012 Plaintiff Gorman had attained the position of provisional Sergeant and was on the civil service list to become a permanent Sergeant as of January 2014.

18. On October 8, 2012 the Plaintiff’s brother informed their sister that Patricelli had be cheating on her.

19. Later on in the day on October 8, 2012 the Plaintiffs sister confronted Patricelli about the cheating and ended the relationship after 27 years.

20. On the same day and shortly after the Plaintiff's sister terminated the relationship with Patricelli, he (Patricelli) called the Plaintiff while the Plaintiff was at work.

21. The Plaintiff received this phone call on a county phone and in the presence of a Sergeant Ryan.

22. During the call Patricelli told the Plaintiff in form or substance "thank your wife, thank your brother, thank you".

23. Plaintiff Gorman found the phone call alarming because he knew that Patricelli had a reputation for physical harassment and that he had allegedly held a loaded gun to a coworker's head. Plaintiff was also aware of another incident where Patricelli threatened three union officers with physical harm.

24. At the time of Patricelli's phone call Plaintiff Gorman knew that his brother had told his sister that Patricelli was cheating on his sister.

25. Plaintiff reported the harassing phone call to his supervisor Sergeant Ranken and Sergeant Dunham within an hour of the event.

26. These Sergeants responded by saying that they would take care of it. However neither ever followed up with the Plaintiff on this complaint.

27. Plaintiff Gorman reported and discussed this harassing phone call with Under Sheriff Pat Russo, Sergeant Ryan, his supervisor Sergeant Ranken, and Sergeant Dunham.

28. On October 9, 2012 the Plaintiff was removed by chief Vibert from his facility key

detail position.

29. Patricelli told Chief Vibert to remove the plaintiff from all facility key details because he felt the plaintiff could no longer be trusted.

30. The facility key detail position was a job that that the plaintiff excelled at and was very upset with his integrity being questioned in this way.

31. During the month of October 2012 Patricelli followed the plaintiffs every move using the facility camera system.

32. He would frequently pass the plaintiffs work assignment area and shake his head and smile. This behavior was unnerving to the Plaintiff.

33. During this time Patricelli would tell Plaintiff Gorman that he had to help Patricelli repair the relationship with his sister stating in form or substance “you have to help me get her back.” Plaintiff Gorman would respond by saying that this is not something I am going to get involved with because I never got involved before and I am not getting involved now.

34. Starting in October 2012 and continuing until June 2013 Patricelli would unnecessarily check Plaintiffs work.

35. Patricelli was not Plaintiff Gorman's direct supervisor and he had never heretofore monitored Plaintiff Gorman in this way.

36. Starting in October 2012 and continuing until June 2013 Patricelli would also harass Plaintiff Gorman by smiling and shaking his head at the plaintiff in an aggressive way whenever they would encounter each other.

37. Starting in October 2012 and continuing until June 2013 Patricelli would just show up inexplicably in areas of the Jail where Plaintiff Gorman had never seen him before and sometimes this would be several times a day.

38. Starting in October 2012 and continuing until June 2013 during the Plaintiffs meal breaks would stare at the plaintiff the entire time.

39. The Plaintiff felt that this conduct was awkward and harassing in that the Plaintiff never witnessed Patricelli engaging in this conduct before this time.

40. On November 5, 2012 the plaintiff was written up by Captain Smith for allegedly violating county work rule 9 for not completing weapon log.

41. The basis for Captain Smith's write up was an informational by a Sergeant Maselli.

42. On information and belief Sergeant Maselli is best friends with Patricelli and they often go to NASCAR events together.

43. Sergeant Maselli first brought this informational to Patricelli for approval to which Patricelli stated that if Captain Smith didn't "write the plaintiff up" he would.

44. On information department procedure required that Maselli submitted his informational first to Captain Smith because Patricelli was outside Maselli's chain of command.

45. Later that day Plaintiff Gorman challenged Captain Smith regarding the complaint, arguing that department policy supported his actions. Captain Smith stated he couldn't help the plaintiff because the complaint was being pushed by Patricelli.

46. Plaintiff Gorman also approached Rennselaer County Sherriff Chief of Corrections Ruth Vibert about the complaint and she stated in form or substance that he should just sign the complaint and not make waves.

47. During the month of November 2012, Patricelli continued to follow the plaintiff in the facility in person and using the facility camera system.

48. The plaintiff knew that Patricelli was watching him with the camera system because Sergeant Ranken told him so.

49. Sergeant Maselli assisted Patricelli by checking all of the plaintiffs log entries and related work, although he was not the plaintiffs supervisor and this was not his job.

50. These actions in ¶ 49 were related to the plaintiff by Officer McDonald told him that Maselli was following him around and checking his log entries.

51. During the month of December 2012 Patricelli and Sergeant Maselli stalked and followed the plaintiff on facility cameras and generally harassed the plaintiff.

52. In December 2012 the Plaintiff's training supervisor Sergeant Ranken informed the plaintiff that other attempts to write him up were made by Patricelli but they failed.

53. Throughout December 2012 Patricelli would should show up at Plaintiff Gorman's work area several times a day when he had never done this before.

54. The Plaintiff believed the Patricelli was not only trying to harass him but he was also looking for a basis to write him up.

55. During December 2012 Sergeant Maselli confronted the Plaintiff in an angry and abusive manner and attempted to have the plaintiff written up for failing to replace a key that was not damaged.

56. Some time in December 2012 Plaintiff was advised by Sergeant Ranken to get permission before he did anything or went anywhere other than his regular duties so that Sergeant Ranken could protect the plaintiff from Patricelli.

57. On information and belief the warning by Sergeant Ranking in ¶ 56. was relayed by Sergeant Ranken to Chief Vibert.

58. On January 22, 2013 Patricelli verbally harassed and attempted to physically intimidate the plaintiff in the West Hallway while he was performing his facility supervisory rounds.

59. An Officer Chris LaFountain was a witness to this harassment.

60. Captain Smith, Chief Vibert, Sergreant Ranken and Sergeant Dunham were all notified of this event.

61. On February 8, 2013 the plaintiff was questioned by Sheriff Jack Mahar about a complaint that Patricelli filed against Chief Vibert.

62. On information and belief Patricelli’s complaint in ¶ 61 alleged that Chief Vibert discussed confidential information about Patricellis personal issues and relationships with the Plaintiff.

63. On information and belief Patricelli's complaint in ¶ 61 alleged that Chief Vibert discussed facility issues and investigations above the Plaintiffs rank.

64. Defendant Mahar told the Plaintiff to state that Patricellis allegations were true.

65. The Plaintiff knew these allegations to be false and therefore rejected Defendant Mahar's request for him to falsely state that Chief Vibert discussed confidential information about Patricelli's personal issues and relationships or that she discussed facility issues and investigations above his rank.

66. On February 11, 2013 the plaintiff was told by Sheriff Mahar that he would no longer be a provisional Sergeant because he was not reachable due to his score on the test and that as soon as he is reachable he would be promoted.

67. On information and belief the only reason the Plaintiff was no longer reachable on the list is because he was bumped out of the third spot by an applicant who was no longer eligible to be on the list.

68. On information and belief Defendants Hendry, Patricelli, Mahar, and Russo individually or in concert together intentionally and maliciously withheld information regarding the non-eligibility of this applicant from the certifying authority in order to retaliate against Plaintiff for his sister's break up with Patricicell and/or his refusal to offer false statements against Ruth Vibert.

69. On February 15, 2013 Defendant Patricelli called the Sherrifs office to attain the Plaintiffs home phone number.

70. On February 15, 2013 Defendant Patricelli called the Plaintiff at home and threatened to break his jaw.

71. During the phone call in ¶ 70 Patricelli stated that everything the plaintiff had was

because of him and that he took the Plaintiffs stripes and new now he was going to take everything thing else.

72. After the phone call from Patricelli the plaintiff was distraught, shaken and was afraid for his safety and his family's safety.

73. The plaintiff reported Patricelli’s January 15th threat of violence to Sergeant Dunham.

74. Sergeant Dunham told the Plaintiff to call Chief Vibert.

75. On February 16th & 17 2013 the plaintiff filed a criminal complaint against Patricelli with the State Police.

76. On information and belief on February 16, 2013 Patricelli was contacted by New York State Trooper Hock.

77. On information and belief Patricelli admitted to Trooper Hock that he used his work issued cellphone to contact plaintiff Gorman.

78. On information and belief Patricelli admitted to Trooper Hock that he threatened in his words to “break” the Plaintiff’s “fucking jaw”.

79. On February 21, 2013 an arrest criminal summons for Patricelli was issued by Schaghticoke Town court for 2nd degree aggravated harassment.

80. On February 18, 2013 the plaintiff met with Chief Vibert about the phone call he received from Patricelli.

81. During the meeting with Chief Vibert he was visibly upset and sick. The plaintiff was

shaking, had chest pain and could not catch his breath.

82. On February 19, 2013 the plaintiff submitted to Chief Vibert a detailed report of the phone call received from Patricelli.

83. On February 25, 2013 the plaintiff filed a workplace violence complaint with Rensselaer County Human Resources Director Tom Hendry.

84. On February 25, 2013 the plaintiff filed a workplace violence complaint with Captain Smith and Chief Vibert.

85. On information and belief chief Vibert was fired on or about February 27, 2013.

86. The plaintiff was told by Chief Vibert that she was fired due to her refusal to shred the Plaintiffs documents and for her refusal to terminate the plaintiff.

87. This caused a great deal of stress, as the plaintiff felt responsible for the loss of ChiefVibert's job. It was at that time the plaintiff began to experience bouts of severe insomnia.

88. On March 4, 2013 the plaintiff sent a certified letter requesting protection from Patricelli to the District Attorney's Office and Judge Arnold (including an application for an order of protection)

89. On March 4, 2013 the plaintiff sent a certified letter requesting protection from Patricelli to Rensselaer County Human Resources Supervisor Tom Hendry

90. On March 4, 2013 the plaintiff sent a certified letter requesting protection from Patricelli to Rensselaer County Executive Kathleen Jimino.

91. On March 4, 2013 the plaintiff sent a certified letter requesting protection from Patricelli to Defendant Mahar.

92. Beginning in March 2013 until his suspension in June the plaintiff was continually harassed by Patricelli while at work to drop the charges.

93. Also at this time Patricelli harassed the plaintiffs sister for her assistance to have her brother drop the charges against him.

94. On March 14, 2013 the plaintiff filed a criminal complaint with the Troy Police Department for harassment.

95. Troy police department Captain Spreg stated that the Plaintiffs charge did not reach the level of the law.

96. On information and belief both Captain spreg declined to bring charges against Patricelli because both Patricelli and Sheriff Mahar are close friends.

97. On March 27 2013 the plaintiff received a letter from Tom Hendry stating in form or substance that the plaintiff’s claims of work place violence were "too difficult to substantiate".

98. After the March 27, 2013 letter from Tom Hendry, the plaintiff went in person to County Executive Jimino's office to make an appointment to discuss the workplace violence case.

99. Rather give the plaintiff an appointment he was told "someone" would get back to him.

100. On March 31, 2013 the plaintiff filed a complaint with the Department of Labor, Health, and Safety.

101. In March of 2013 the plaintiff reported to Deputy Webster the auditor of the e-justice computer system, that Patricelli used the E-Justice system to run a back ground check on a Peter Colantonio.

102. On information and belief Patricelli searched the e-justice system for Mr. Calantonio because Patricelli believed that this individual was in a relationship with the Plaintiff's sister.

103. DCJS was also notified of the e-justice breach by Patricelli.

104. Plaintiff also filed a complaint with District Attorney's office and Patricelli was charged and suspended from work in mid-June.

105. Throughout the month of March 2013 the Plaintiff was harassed by Sergeant Maselli, Sergeant Walraed and Sergeant Gececwicz who would seek him out to assign him the worst duties at the Jail.

106. On information belief the duties assigned to Plaintiff were duties given only to new emloyees.

107. The Plaintiff was a supervisor only months before and so being assigned duties that only new employe's received was humiliating and demeaning.

108. On and information and belief the Plaintiff was assigned these demeaning positions out of retaliation for the Plaintiff's refusal to offer false statements against Ruth Vibert, for his filing of work place violence complaints, for filing a criminal complaint and for his turning Patricelli in for abusing the E-justice program.

109. As of March 2013 the Plaintiff felt more and more isolated and depressed as result

of his continued harassment.

110. On April1, 2013 the plaintiff received a phone call from Tom Hendry stating that "He understood that I made a call to County Executive Kathleen Jimino and that he was returning my call on her behalf to answer any questions I might have."

111. On April 8, 2013 the plaintiff sent a letter to Defendant Jimino advising her of the incomplete investigation Tom Hendry was conducting concerning his workplace violence complaint.

112. The Plaintiff never received a response from Defendant Jimino in regards to his April 8th letter.

113. The Plaintiff alleges on information and belief that Jimino and Sherriff Mahar have a personal relationship.

114. On April 8, 2013 an order of Protection against Patricelli was issued by Schaghticoke Town Court.

115. The plaintiff presented the order to Captain Smith.

116. The Order of Protection was not enforced in the facility and the plaintiff was faced with the further harassment by Patricelli's presence and the other acts of harassment as alleged hereto for in this complaint.

117. The plaintiff worked with ongoing fear of reprisal at all times.

118. On April 10, 2013 the plaintiff received a phone call from the assistant County Executive Chris Myer wherein he stated that he was returning the plaintiffs call to him.

119. The plaintiff had never made a call to the assistant county executive but instead had made a call and visit to Kathleen Jimino.

120. Chris Myer told the Plaintiff that he had talked to Tom Hendry about the workplace violence complaint.

121. During this conversation Defendant Hendry told Mr. Myer that he was following up on a few more leads the plaintiff had given him.

122. This statement to Mr. Myer by Defendant Henry was perplexing as the plaintiff had not given Tom Hendry any new leads..

123. On April 15, 2013 Sergeant Ranken told the plaintiff that he needed to get permission before he did anything other than his regularly scheduled duties so that he could protect the plaintiff from Patricelli.

124. On April 15, 2013 Sergeant Ranken told the Plaintiff he wished someone would give Patricelli something to do rather than follow the plaintiff all day.

125. On or about Apri122, 2013 the plaintiff was notified by Lieutenant Beaudry that Sergeant Webber had received a call from Patricelli on February 15, 2013 at work to obtain the home phone number of the plaintiff.

126. On May 7, 2013, as part of its investigation into the Plaintiffs work place violence complaint, the Department of Labor conducted an onsite investigation of the Rensselaer County Sheriff's Department.

127. Under Sheriff Pat Russo was present for the May 7, 2013 Department of Labor

investigation.

128. On May 8, 2013 Sergeant Connell Jr. started to harass Plaintiff Gorman by ordering him off his lunch break to do deliveries on several occasions. He also assigned other duties other than those assigned by the schedule, therefore preventing the Plaintiff from completing any task assigned in a timely manner.

129. On information and belief Sergeant Connell was harassing him under the direction of, in concert with or in conspiracy with both Sheriff Mahar and Patricelli in retaliation for his sister's separation from Patricelli and/or for his filing of the work place violence complaint and/or for refusing to offer a false statement against Ruth Vibert and/or for filing a criminal complaint against defendant Patreculli and/or for turning Patricelli in for abusing the E-justice System. When the plaintiff went to Sergeant Ranken about this, he offered no help or support, but stated, "You need to be patient".

130. On June 4, 2013 the plaintiff had a phone conversation with Human Resource Director Tom Hendry about the status of the workplace violence investigation.

131. Tom Hendry stated he had sent e-mails and phone messages to Undersheriff Russo and had received no response.

132. On information an belief Tom Hendry had been requesting the October 8, 2013 threating phone call for the past three weeks.

133. On information and belief Under Sheriff Russo was intentionally impeding the investigation by not releasing related information.

134. On June 5, 2013 the plaintiff met with Under Sheriff Russo and asked him why he

had not released to Tom Hendry the recorded phone call of Patricelli from October 8, 2012.

135. At this meeting the plaintiff tried to inform Under Sheriff Russo of the harassment issues taking place in the facility but Undersheriff Russo stopped the plaintiff and said, "He knew nothing about the situation".

136. On information and belief Under Sheriff Russo had been notified in detail about the Plaintiffs complaints of harassment by Patricelli by Chief Vibert.

137. On information and belief chief Vibert gave Defendant Russo copies of the Plaintiff's February 25, 2013 complaint.

138. After the meeting the plaintiff went to talk to Sergeant Ranken for a few minutes because he was having chest pains, was shaking and was visibly upset. Sergeant Ranken said the plaintiff could stay in the office as long as he needed to get himself together.

139. On June 17, 2013 the plaintiff had another conversation with Human Resource Director Tom Hendry about the status of the work place violence investigation. Tom Hendry stated, "He had been busy". Tom Hendry stated he had received the recording of the phone call and he didn't hear anything threatening. Tom Hendry went on to state he was working on a determination and would have something out to the plaintiff soon. Nothing was ever received from Tom Hendry or Rensselaer County.

140. On June 27, 2013- Rensselaer County received a citation of violation marked serious for not implementing their workplace violence program by not thoroughly investigating the workplace violence complaint.

141. Kathleen Jimino was notified by the NYS Labor Department on June 27, 2013 that Rensselaer County and its Sheriff's Department were in violation of Labor Law for not performing a thorough investigation of the Plaintiffs work place violence complaint.

142. On information and belief no action in regard to this citation was taken by Ms. Jimino.

143. On July 6, 2013 the plaintiff was intentionally hit with a heavy metal door by Sergeant Maselli. The plaintiff filed an incident report with Captain Smith, who initially refused to accept the report. At this point the plaintiff began to feel like a noose was tightening around his neck and was finding it harder to control his shaking and emotions while at work.

144. On July 10, 2013 the plaintiff received a phone call from Tom Hendry stating that the county had received its notice of violation from the Department of Labor and that the county would be working to satisfy the Labor Department's needs.

145. On July 13, 2013 Sergeant Connell assigned the plaintiff to relieve A-line staff on the East 1 housing unit, by the time that the plaintifr s relief staff came to the unit the plaintiff was late starting recreation for the minor unit. Sergeant Galuski (the Undersherifrs step-son) wanted to know why the plaintiff was late in starting his assignment and started to lecture him on facility rules and regulations. This was especially upsetting to the plaintiff as Sergeant Galuski had only been promoted to Sergeant in February and had only been on the job for two years. The plaintiff was aware of the facility rules and regulations and always ran any unit he was on up to regulations. The sergeant was well aware of this and why the plaintiff was unable to do multiple jobs at the same time, unsupported. The plaintiff believed he was being punished for going

against the Sheriff and it was open season on him at the jail. The plaintiff felt worthless and suicidal. That night the plaintiff had shortness of breath and chest pains and did not sleep that night.

146. On July 14, 2013 the plaintiff called in sick for his shift. The Plaintiff felt exhausted and had severe tightness in his chest. The plaintiff was suffering great depression and could barely get out of bed.

147. On July 15, 2013 the plaintiff went to his primary care physician with chest pain, shortness of breath, difficulty swallowing and shaking arms and hands.

148. On July 15, 2013 the plaintiff was admitted to St. Peter's hospital wherein he requested a psychiatric evaluation because he was having dark thoughts.

149. On July 18, 2013 the plaintiff filed a 207-C application pursuant the terms of his Employment Contract. The plaintiff’s union representative Officer Lenny Smith was refused an application for 207-C benefits by Captain Smith. Officer Smith had to obtain a copy from Council 82. Officer Smith submitted the paper to Captain Smith. Captain Smith at first refused to accept the paperwork. Captain Smith questioned the notary mark and scrutinized the paperwork, questioning if things had been added or changed.

150. In July 2013 the plaintiff was taken out of work by Doctor Alan Fogel from July 19 through August 1, 2013.

151. On July 21, 2013 the plaintiff filed his second workplace violence complaint with Rensselaer County.

152. From July 2013 forward Kathleen Jimino's office refused to answer any further request from the plaintiff, although she was notified, in writing, on July 21, 2013 and December 8, 2013 of the unresolved and apparently ongoing workplace violence investigation.

153. On August 1, 2013 Dr. James Thalmann sent a letter to Under Sheriff Russo removing the plaintiff from work for ongoing distress for an undetermined time period.

154. On August 7, 2013 the plaintiff filed a second workplace violence complaint with the Labor Department for discrimination and retaliation. This claim is still open.

155. On August 18, 2013 Council 82 filed a demand for arbitration on the plaintiffs behalf with PERB. The demand was filed because the Sheriff and Undersheriff refused to process the plaintiffs 207-c application.

156. On August 19, 2013 Dr. James Thalmann wrote a letter to Under Sheriff Russo stating that the plaintiff has significant distress, depression, and anxiety symptoms. This was sent via fax.

157. On August 21, 2013 Dr. James Thalmann diagnosed the plaintiff with acute stress disorder (DSM IV TR 308.3) and panic disorder (300.01).

158. On August 21, 2013 the plaintiff received a letter from Tom Hendry stating that with regards to his claims of work place harassment that investigative interviews were being conducted.

159. This letter went on further to state that upon completion, a written response will be

provided.

160. October 5, 2013 the plaintiff received a letter from Tom Hendry stating that "for the record, I do not have a recollection of saying that the case was/is closed and that the County had/has no intention of taking further action. I did advise that a letter of findings was in process and would be forwarded to you shortly".

161. October 29, 2013 the Plaintiff met with Dr. Mcintyre for a Rensselaer County psychological evaluation.

162. In October of 2013 Sergeant Lenny Smith attempted to donate sick time to the Plaintiff but was denied in this attempt by the Defendant County.

163. November 18,2013 Dr. James Thalmann wrote a letter entitled Treatment Consultation Summary which was submitted to Dr. William Mcintyre by the Plaintiff.

164. This letter was also submitted by Dr. James Thalmann to the Rensselaer County Sheriffs Department and Dr. McIntyre.

165. On November 2013 Dr. Henry Camperlengo wrote a letter on behalf of the Plaintiff from a Psychiatric perspective for review by Rensselaer County Sheriffs Department and Dr. Mcintyre.

166. Kathleen Jimino's office refused any further request from the Plaintiff, although she was notified, in writing, on December 8, 2013 of the unresolved and apparently ongoing workplace violence investigation. To date, the Plaintiff has received no response from Ms. Jimino.

167. On December 12, 2013 the Plaintiff met for a second time with Dr. McIntyre for a

Rensselaer County psychological evaluation.

168. On information and belief Dr. McIntyre is paid by and acts in the best interest of Rensselaer County Sheriff's Department.

169. On information Dr. McIntyre has contract business with Rensselaer County and is not an independent evaluator. Dr. McIntyre threatened the Plaintiff with insubordination, resulting in termination if he did not receive all the medical records from Dr. Thalmann and Dr. Camperlengo.

170. During both interviews on October 29, 2013 and December 12,2013, Dr. Mcintyre engaged in minimizing the facts and the Plaintiffs feelings in regards to them.

171. Dr. Mcintyre stated in his report that all the workplace violence complaints had come back as "unfounded".

172. On information and belief Dr. McIntyre report on the Plaintiff is full of nonmedical opinions and misstatements of fact. On information and belief Dr. McIntyre's December 22nd written evaluation has several misrepresentations of facts that the Doctor knew were misrepresentations or should have known. In his report the Doctor states definitively that he knew the Plaintiffs "backstory" and that he knew the things that Defendant Patricelli had done in his past. Some of the factual misrepresentations in McIntyres report include the following: that the Plaintiff was told by the Union, the Sheriffs office, and human resources that his issue not work related but personal, that Ruth Vibert Told him that his issue with Patricelli was personal, that the Plaintiff told Dr. McIntyre that people were out to get him. On information and belief these statements were ever made and the Plaintiffs alleged they are false statements.

173. On information and belief Dr. Mcintyre's report was created in conspiracy with and/or at the direction of the other Defendants in order to deny the plaintiffs 207-c and other benefits

entitled to him in this case.

174. In March 2014 the Plaintiff had exhausted all of his annual sick and vacation leave time. From that point forward the Defendants denied the Plaintiff any accrual of sick or vacation time.

175. On information and belief the collective bargaining does not provide for a cut off in accrual of leave when an employee is out on medical leave.

176. As of January 2014 the Plaintiff has been deprived of his bidding rights so that even if his Doctor permitted him to return to work he would have no means by which to bid on another job.

177. On information and belief if the Plaintiff had not been arbitrarily deprived of his bidding rights he could bid on a job with the County wherein there would be minimal or no risk of further retaliation from Defendant Patricelli (who has returned to work at the Rensselaer County Sherriffs office). The Plaintiff alleges that the allegations above and in paragraph 72 constitute retaliation for the many protected forms of activity engaged in by the plaintiff as alleged throughout this complaint.

AS AND FOR A FIRST CAUSE OF ACTION BY PLAINTIFF AGAINST ALL DEFENDANTS

Undue Intrusion into an Intimate Relationship under The Color Of State Law.

178. The allegation in paragraphs "1" through "177" are incorporated herein as if set forth in full.

179. Section 1983 allows an individual to bring suit against persons who, under color of state law, have caused him to be "deprived of any rights, privileges, or immunities

secured by the Constitution and laws" of the United States. 42 U.S.C. § 1983.

180. The Bill of Rights to the United States constitution protects a citizen's right to enter into an intimate relationship free from undue intrusion by the state. One of the relationships protected by the right of intimate association is that between siblings.

181. The Plaintiffs sister separated from Defendant Patricelli after twenty years. As a result of this separation (herein after "the separation") Defendant Patricelli used his position with the Sherriff s Department and his friendship with Defendant Sherriff Mahar to intrude into the Plaintiffs relationship with his sister by retaliating against the Plaintiff and/or using others to retaliate or by conspiring with others to retaliate against the plaintiff and/or by harassing the Plaintiffs sister to get the plaintiff to drop the charges against Defendant Patricelli.

182. The actions of the Individual Defendants violated Plaintiffs right to intimate association in the following ways: the Individual Defendants harassed and conspired to harass the plaintiff, they demoted the plaintiff and conspired to demote the plaintiff, they kept him and conspired to keep him from a civil service certification list, they purposely delayed and impeded and failed to investigate claims of work place violence, they delayed and impeded and denied the Plaintiffs 207 c benefits, they issued medical evaluations which intentionally misstated facts, they revoked the Plaintiffs bidding rights and denied him accrual of leave time and all out of retaliation for the separation between the Plaintiffs sister and Defendant Patricelli. Additionally each and every defendant conspired to retaliate against the Plaintiff in the ways alleged in this paragraph.

183. The Individual Defendants' actions were motivated by bad faith and malice.

184. The County of Rensselaer is directly responsible for this constitutional violation based on the actions of their chief policy maker, Sheriff Jack Mahar. As Sheriff and Chief Policy Maker for Rensselaer County, Sheriff Mahar's actions effectively constitute municipal policy for Rensselaer County.

185. Defendants' conduct also represents a violation 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

186. As a direct and proximate result of the unconstitutional acts described above, Plaintiff John Gorman has been irreparably injured.

AS AND FOR A SECOND CAUSE OF ACTION BY PLAINTIFF AGAINST ALL DEFENDANTS

First Amendment Retaliation under the Color of State Law.

187. The allegation in paragraphs "178" through "186" are incorporated herein as if set forth in full.

188. The plaintiff alleges that all the Defendants named herein violated and/or conspired to violate his first amendment right to free speech.

189. On February 8, 2013 the plaintiff was asked by Defendant Mahar to offer a false statement against Chief Vibert. The Plaintiff refused to do this and shortly thereafter a series of retaliatory acts and omissions of retaliation were committed by the Defendants' against the Plaintiff. The refusal to offer a false statement is protected speech under the first amendment.

190. The actions of the Individual Defendants violated Plaintiffs first amendment

right, in the following ways: the Individual Defendants harassed and conspired to harass the plaintiff, they demoted the plaintiff and conspired to demote the plaintiff, they kept him and conspired to keep him from a civil service certification list, they purposely delayed and impeded and failed to investigate claims of work place violence, they delayed and impeded and denied the Plaintiffs 207 c benefits, they issued medical evaluations which intentionally misstated facts, they revoked the Plaintiffs bidding rights and denied him accrual of leave time and all out of retaliation for refusing offer a false statement against Ruth Vibert. Additionally each and every defendant conspired to retaliate against the Plaintiff in the ways alleged in this paragraph.

191. The Individual Defendants' actions were motivated by bad faith and malice.

192. The County of Rensselaer is directly responsible for this constitutional violation based on the actions of their chief policy maker, Sheriff Jack Mahar. As Sheriff and Chief Policy Maker for Rensselaer County, Sheriff Mahar's actions effectively constitute municipal policy for Rensselaer County.

193. Defendants' conduct also represents a violation 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

194. As a direct and proximate result of the unconstitutional acts described above, Plaintiff John Gorman has been irreparably injured.

AS AND FOR A THIRD CAUSE OF ACTION BY PLAINTIFF AGAINST ALL DEFENDANTS

First Amendment Retaliation under the Color of State Law

195. The allegation in paragraphs "187" through "194" are incorporated herein as if set in full.

196. The plaintiff alleges that all the Defendants named herein violated and/or conspired to violate his first amendment right to free speech.

197. On February 16 & 17, 2013 the plaintiff filed a criminal complaint against Patricelli for calling Gorman on Patracelli' s work issued cell phone and threating to break the plaintiffs jaw. Additionally on March 14, 2013 the plaintiff filed a criminal complaint with the Troy Police Department for harassment. In response to the filing of these criminal complaints the Defendant's engaged in a series of retaliatory acts and omissions against the Plaintiff. The filing of a criminal complaint is protected speech under the first amendment.

198. The actions of the Individual Defendants violated Plaintiffs first amendment rights in the following ways: the Individual Defendants harassed and conspired to harass the plaintiff, they demoted the plaintiff and conspired to demote the plaintiff, they kept him and conspired to keep him from a civil service certification list, they purposely delayed and impeded and failed to investigate claims of work place violence, they delayed and impeded and denied the Plaintiffs 207 c benefits, they issued medical evaluations which intentionally misstated facts,

they revoked the Plaintiffs bidding rights and denied him accrual of leave time and all out of retaliation for filing criminal complaints against Defendant Patricelli. Additionally each and every defendant conspired to retaliate against the Plaintiff in the ways alleged in this paragraph.

199. The Individual Defendants' actions were motivated by bad faith and malice.

200. The County of Rensselaer is directly responsible for this constitutional violation based on the actions of their chief policy maker, Sheriff Jack Mahar. As Sheriff and Chief Policy Maker for Rensselaer County, Sheriff Mahar's actions effectively constitute municipal policy for Rensselaer County.

201. Defendants' conduct also represents a violation 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

202. As a direct and proximate result of the unconstitutional acts described above, Plaintiff John Gorman has been irreparably injured.

AS AND FOR A FOURTH CAUSE OF ACTION
BY PLAINTIFF AGAINST ALL DEFENDANTS

First Amendment Retaliation under the Color of State Law.

203. The allegation in paragraphs "1951" through "202" are incorporated herein as if set forth in full.

204. The plaintiff alleges that all the Defendants named herein violated and/or conspired to violate his first amendment right to free speech.

205. On February 25, 2013 the Plaintiff filed a work place violence complaint with the following parties: Rensselaer County Human Resources Director Tom Hendry, Jail Administration Captain Smith and Chief Vibert. Additionally the Plaintiff filed work place violence complaints on March 31,2013 and July 21,2013 with the Department of Labor, Health, and Safety. On August 7, 2013 the plaintiff filed a complaint with the Department of Labor for discrimination and retaliation. In response to the Plaintiffs filing of these complaints the

Defendant's engaged in a series of retaliatory acts and omissions against the Plaintiff. The filing of a work place violence complaint and the filing of a complaint of discrimination and retaliation is protected speech under the first amendment.

206. The actions of the Individual Defendants violated Plaintiffs first amendment rights in the following ways: the Individual Defendants harassed and conspired to harass the plaintiff, they demoted the plaintiff and conspired to demote the plaintiff, they kept him and conspired to keep him from a civil service certification list, they purposely delayed and impeded and failed to investigate claims of work place violence, they delayed and impeded and denied the Plaintiffs 207 c benefits, they issued medical evaluations which intentionally misstated facts, they revoked the Plaintiffs bidding rights and denied him accrual of leave time and all out of retaliation for filing complaints of work violence and discrimination and retaliation. Additionally it is alleged that each and every defendant conspired to retaliate against the Plaintiff in the ways alleged in this paragraph.

207. The Individual Defendants' actions were motivated by bad faith and malice.

208. The County of Rensselaer is directly responsible for this constitutional violation based on the actions of their chief policy maker, Sheriff Jack Mahar. As Sheriff and Chief Policy Maker for Rensselaer County, Sheriff Mahar's actions effectively constitute municipal policy for Rensselaer County.

209. Defendants' conduct also represents a violation 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

210. As a direct and proximate result of the unconstitutional acts described

above, Plaintiff John Gorman has been irreparably injured.

AS AND FOR A FIFTH CAUSE OF ACTION BY PLAINTIFF AGAINST ALL DEFENDANTS

First Amendment Retaliation under the Color of State Law

211. The allegation in paragraphs "203" through "210" are incorporated herein as if set forth in full.

212. The plaintiff argues that all the Defendants named herein violated and/or conspired to violate his first amendment right to free speech by retaliating against him for reporting to a Rensselaer County Deputy Webster and the District Attorney's office that Patricelli used the E-Justice system to run Peter Colantonio's name. Peter Colantonio is a civilian whom Defendant Patricelli believed was cheating with his former girlfriend the Plaintiffs sister. Patricelli was charged and suspended from work in mid-June. Reporting a crime or what one believes to be a crime is protected first amendment speech.

213. The actions of the Individual Defendants violated Plaintiffs first amendment rights in the following ways: the Individual Defendants harassed and conspired to harass the plaintiff and they demoted the plaintiff and conspired to demote the plaintiff and that they kept him and conspired to keep him from a civil service certification list and they purposely delayed and impeded and failed to investigate claims of work place violence and they delayed and impeded and denied the Plaintiffs 207 c benefits and they issued medical valuations which intentionally misstated facts and they revoked the Plaintiffs bidding right and denied him accrual of leave time and all out of retaliation for reporting Defendant Patricelli's using the departments justice system for his own personal reasons an

act which is criminal in nature. Additionally each and every defendant conspired to retaliate against the Plaintiff in the ways alleged in this paragraph.

214. The Individual Defendants' actions were motivated by bad faith and malice.

215. The County of Rensselaer is directly responsible for this constitutional violation based on the actions of their chief policy maker, Sheriff Jack Mahar. As Sheriff and Chief Policy Maker for Rensselaer County, Sheriff Mahar's actions effectively constitute municipal policy for Rensselaer County.

216. Defendants' conduct also represents a violation 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

217. As a direct and proximate result of the unconstitutional acts described above, Plaintiff John Gorman has been irreparably injured.

AS AND FOR AN SIXTH CAUSE OF ACTION BY PLAINTIFF AGAINST ALL DEFENDANTS

First Amendment Retaliation under the Color of State Law.

218. The allegation in paragraphs "210" through "217" are incorporated herein as if set forth in full.

219. The plaintiff argues in the alternative that all the Defendants named herein violated and/or conspired to violate his first amendment right to free speech by retaliating against him for sending a letter Kathleen Jimino on April 8, 2013 advising her of the incomplete investigation Tom Hendry was conducting concerning his workplace violence complaint. Kathleen Jimino also received updates regarding the investigation of

the work place violence claim on July 21, 2013 and December 8, 2013. Reporting derelictions of county employees to a county executive charged with the management of the county is protected first amendment speech.

220. The actions of the Individual Defendants violated Plaintiffs first amendment rights in the following ways: the Individual Defendants harassed and conspired to harass the plaintiff, they demoted the plaintiff and conspired to demote the plaintiff, they kept him and conspired to keep him from a civil service certification list, they purposely delayed and impeded and failed to investigate claims of work place violence, they delayed and impeded and denied the Plaintiffs 207 c benefits, they issued medical evaluations which intentionally misstated facts, they revoked the Plaintiffs bidding rights and denied him accrual of leave time and all out of retaliation for writing the county executive. Additionally each and every defendant conspired to retaliate against the Plaintiff in the ways alleged in this paragraph.

221. The Individual Defendants' actions were motivated by bad faith and malice.

222. The County of Rensselaer is directly responsible for this constitutional violation based on the actions of their chief policy maker, Sheriff Jack Mahar. As Sheriff and Chief Policy Maker for Rensselaer County, Sheriff Mahar's actions effectively constitute municipal policy for Rensselaer County.

223. Defendants' conduct also represents a violation 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

224. As a direct and proximate result of the unconstitutional acts described above, Plaintiff John Gorman has been irreparably injured.

AS AND FOR A SEVENTH CAUSE OF ACTION
BY PLAINTIFF AGAINST ALL DEFENDANTS

The Equal Protection of the Law.

225. The allegation in paragraphs "218" through "224" are incorporated herein as if set forth in full.

226. The Fourteenth Amendment to United States Constitution guarantees that each citizen is entitled to equal protection of law, and secures every person against irrational and arbitrary discrimination by governmental entities.

227. The numerous acts of retaliation alleged in this complaint violate the Equal Protection Clause, in that Defendant County through is agents acting under the color of law intentionally treated the plaintiff differently from other similarly situated County employees and that difference in treatment has no rational basis.

228. As a direct and proximate result of the unconstitutional acts described above, Plaintiff John Gorman has been irreparably injured.

AS AND FOR A EIGTH CAUSE OF ACTION
BY PLAINTIFF AGAINST DEFENDANT DR. MCINTYRE

Negligent Misrepresentation.

229. The allegation in paragraphs "225" through "228" are incorporated herein as if set forth in full.

230. On October 29th 2013 the Plaintiff was evaluated by a Dr. Mcintyre. Mcintyre contracted with the Sherriff s office to perform an independent medical evaluation of the Plaintiff for the purposes of granting or denying the Plaintiffs 207 C benefits.

231. On December 22, 2013 Dr. Mcintyre issued a 5 page written medical

evaluation of the Plaintiff. The medical report was allegedly independent and allegedly based on two clinical interviews of the plaintiff on October 29th and December lih of2013.

232. Dr. Mcintyre's December 22nd written evaluation has several misrepresentations of facts that the Doctor knew were misrepresentations or should have known. In his report the Doctor states definitively that he knew the Plaintiffs "backstory" and that he knew the things that Defendant Patricelli had done in his past. It is clear from these admissions that the Doctor had familiarized himself with the facts and circumstances of the Plaintiffs application for 207 c benefits.

233. One of the major misrepresentations of facts that Mcintyre made in his evaluation is that the Defendant Patricelli "allegedly" threatened him on February 8, 2013. By December 22nd when the Doctor wrote his report he had evidence available to him showing that this threat was not alleged but admitted to by Defendant Patricelli himself in the context of a police report.

234. Another misrepresentation and/or false statement that the doctor made was stating in his report that the Plaintiff had talked to the jail Superintendent Ruth Vibert who told him that this conflict had nothing to do with work. Ruth Vibert has denied under oath making any such statement.

235. Another misrepresentation and/or false statement that the doctor made was stating in his report that the Plaintiff had stated that people were out to get him. The Plaintiff denies ever making this statement.

236. While there are many factual misrepresentations in Dr. Mcintyre's report the most significant misrepresentation is where the Doctor states that "The administration of the

Sheriffs Office, the union, and the County Human Resources Department have all told him essentially this is a personal issue, not a work issue." This statement is a complete misrepresentation and/or a false statement in that none of the parties cited ever made any such statement to the Plaintiff.

237. There are numerous other misrepresentations of fact in the Doctors evaluation that the Plaintiff intends to prove at trial. Defendant Mcintyre had a duty to the plaintiff to not misstate facts in his evaluation. The Doctor breached this duty by misstating several facts in his report. The elements of a cause of action for negligent misrepresentation are: (1) awareness by the maker of a statement that the statement is to be used for a particular purpose; (2) reliance by a known party on the statement in furtherance of that purpose; and (3) some conduct by the maker of the statement linking it to the relying party and evincing its understanding of that reliance.

238. Dr. Mcintyre was retained by the Sherriff Mahar and employed by Rensselaer County for the purpose of performing and independent medical investigation of the Plaintiff. Dr. Mcintyre knew that his medical evaluation would be used by the sheriff in order to approve or deny the Plaintiffs 207 c benefits. On information and belief Dr. Mcintyre knew that the Sherriff would rely on his medical evaluation and that the medical evaluation would be independent. That on information and belief Dr. Mcintyre knew that the Sherriff himself would not only rely on his medical evaluation but rely on the fact that it would be independent.

239. It is evident that Dr. Mcintyre was aware of this reliance based on the following conduct: Dr. Mcintyre had performed independent medical evaluations for the sheriff in the past, on information and belief the Dr. Mcintyre contracted with the Sherriff to perform independent evaluations and during contract negotiations the purpose of the evaluations came up, Dr. Mcintyre's written evaluation states he told the Plaintiff that the evaluation was at the request

of the Sherriff to determine if "he has a psychological condition and ifso...are his ...symptoms caused by his job as a corrections officer".

240. Dr. Mcintyre was also aware that the Plaintiff had commenced an arbitration pursuant to a collective bargaining and/or in the alternative Dr. Mcintyre knew based upon his ongoing relationship with the county that an arbitration proceeding would be commenced if the Plaintiffs benefits were denied.

241. On information and belief Dr. Mcintyre knew that the arbitrator would be relying on the doctor's evaluation to deny or approve the Plaintiffs 207 c benefits. Moreover on information and belief the Doctor knew that the arbitrator would rely on the fact that this evaluation would be independent.

242. That as a direct and proximate result of the Defendants breach of Duty to the Plaintiff to not the misstate the facts, Plaintiff John Gorman has been irreparably injured.

AS AND FOR A NINTH CAUSE OF ACTION BY PLAINTIFF AGAINST ALL DEFENDANTS

New York State Civil Service Law§ 75-b Prohibiting Retaliation against Public Employees and New York Labor Law § 740.

243. The allegation in paragraphs "229" through "242" are incorporated herein as if set forth in full.

244. The plaintiff alleges that all the Defendants named herein violated and conspired to violate New York State Civil Service Law§ 75-b prohibiting retaliation against public employees and New York Labor Law§ 740 prohibiting retaliation against any employee. As alleged throughout this complaint the plaintiff made several work place violence complaints pursuant to New York State labor law. These complaints were filed with the Department of Labor and with the Defendant County's Human resources department. Additionally the Plaintiff

filed criminal complaints against Defendant Patricilli and filed a complaint with the D.A.'s office for Patricilli' s misuse of the departments' criminal e-justice system. Additionally the Plaintiff refused to offer false evidence against Ruth Vibert, filed discrimination and retaliation claims with the department of labor and filed for 207 C benefits. All of above actions are protected from retaliation under NYS Civil Service Law§ 75-b and New York Labor Law§ 740.

245. The Individual Defendants retaliated against and violated the Plaintiffs rights under NYS Civil Service Law § 75-b and New York Labor Law § 740 in the following ways: the Individual Defendants harassed and conspired to harass the plaintiff, they demoted the plaintiff and conspired to demote the plaintiff, they kept him and conspired to keep him from a civil service certification list, they purposely delayed and impeded and failed to investigate claims of work place violence, they delayed and impeded and denied the Plaintiffs 207 c benefits, they issued medical evaluations which intentionally misstated facts, they revoked the Plaintiffs bidding rights and denied him accrual of leave time and all out of retaliation for the protected activities as alleged above in paragraph

246. Additionally each and every defendant conspired to retaliate against the Plaintiff in the ways alleged in this paragraph.

247. The Individual Defendants' actions were motivated by bad faith and malice.

248. As a direct and proximate result of the unconstitutional acts described above, Plaintiff John Gorman has been irreparably injured.

WHEREFORE, plaintiff respectfully requests that this court enter a judgment:

1. Declaring that the acts and practices complained of herein are in violation of 42 USC 28 Section 1983 and constitute the basis for awarding back pay with interest,

compensatory damages, other lost benefits, and such other further relief as to this Court seems just and proper.

2. Award to the Plaintiff compensatory damages in each cause of action in an amount to be proven at trial.

3. Award to the Plaintiff exemplary damages in each cause of action in an amount to be proven at trial.

4. Award plaintiff the costs, disbursements and attorney's fees for the prosecution of this matter along with such other and further relief as the Court may deem just and proper.

DATED: May 31, 2014

LAW OFFICE OF PATRICK SORSBY

By_____S/____________________

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